

ORIGINAL



Ben G. Almond • Vice President, Regulatory Affairs • phone 202.419.3020 • fax 202.419.3047

January 22, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

RECEIVED

JAN 22 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Section 68.4(a) of the Commission's Rules Governing
Hearing Aid Compatibility Telephone
WT Docket No. 01-309 EX PARTE

Dear Ms. Dortch:

Cingular Wireless (Cingular) and Siemens are committed to complete execution of their joint project activities (which have been highlighted in previous record submissions for the referenced proceeding) for improving access for people with hearing loss. In an effort to address hearing aid compatibility and technology that will improve communications for people who have a hearing loss, the two companies have compiled an outline of key issues, identified possible solutions and listed recommendations that the FCC should execute for resolutions of these issues.

Cingular and Siemens believe that the actions suggested in the attached document will promote the collaborative efforts needed to successfully address hearing aid compatibility and usability. The companies urge that the Commission incorporate these suggestions as part of their final decision for the referenced docket proceeding.

If there are any questions concerning this matter, please contact the undersigned or Susan Palmer on 202-419-3009.

Sincerely,

A handwritten signature in black ink that reads "Ben G. Almond".

Ben G. Almond
Vice President-Federal Regulatory Affairs

Attachment

Cc: Bryan Tramont Tom Sugrue Joseph Levin
Jennifer Manner Dane Snowden Patrick Forster
Paul Margie Jim Schlichting Thomas E. Chandler
Sam Feder Joel Taubenblatt Janet Sievert
Barr) Ohlson Mindy Littell Judith Harkins
Karen Strauss Brenda Battat Powrie V. Doctor

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Cingular Wireless/Siemens Mobile
Hearing Aid Compatibility (HAC)
WT Docket No. 01-309, Ex Parte

Access to Digital Wireless Technologies

Providing access to digital wireless technologies for people with a hearing loss raises unique challenges for the wireless industry, hearing aid manufacturers, hearing health professionals, regulatory bodies and, most of all, for people who have a hearing loss. Cooperation among all stakeholders is necessary to eliminate technical barriers, and to implement processes that will help people with a hearing loss make informed choices in the selection of technologies that address hearing loss and digital wireless communications. Changes in technologies, policies and regulations should focus on cooperative efforts that support the most efficient means possible to make wireless communication products usable by people who have a hearing loss.

Desired Outcomes and Proposed Actions

The following table provides a description of key technical issues in the development of digital wireless handsets that accommodate people with hearing loss. It also provides recommendations that the FCC should consider in order to begin systematic resolutions of these issues. Technical solutions must be identified and applied. These solutions must not impair handset or network functions. Standardized testing methodologies must be applied and information gathered that will allow customers to make informed purchases. Actions needed to be taken by the FDA or other agencies to encourage participation by the hearing technologies industry are not addressed in this document.

Technical Solutions

Issue	Solution	Proposed Actions
Current data regarding the compatibility or incompatibility of products is largely anecdotal,	Assess technical approaches that resolve or appear to improve the compatibility between digital wireless handsets and hearing technologies. ² Create a database of known	The FCC should commission an independent study and report ³ , similar to its E911 Technical Inquiry effort that will identify the current state of HAC including interference and usability of hearing aid products with digital wireless technologies and known barriers

<p>The FCC should host an initial workshop to train engineers and other technical professionals in both the wireless and hearing technology standards. This training allows engineers and technicians to understand how to use the standard. The FCC should then work with ANSI to have the workshop provided periodically at convenient venues to encourage wider use of these tests with new hearing aid phone designs.</p>	<p>Seek proposals for development of an incubator, similar to the ATIS, ITSI that organizes a service as a technical organization. Similar to the TTY solution, this creates a process for objectively testing proposed solutions, sharing results and promoting development of alternative means of direct standards, as needed. This organization should also encourage technological innovation and database of known technical solutions.</p>	<p>In addition, this organization should maintain a coupling with telecommunications devices, developing effective means that are not shared, research is not sharded, ineffective may be approached, that are expedited, research is not delayed, standards are not being developed, coordination of efforts are needed to increase the development of new technologies.</p>
<p>FCC staff regularly attends all meetings. Recommendations are reviewed and implemented, as appropriate. The FCC should notify the FDA of this effort. The FDA must encourage participation by service providers and users.</p>	<p>The technical incubator should have an overview committee that can also provide recommendations directly to the FCC and other service providers and users.</p>	<p>Guidance from hearing aid users, manufacturers and service providers must be</p>

<p>provided to ensure that the technological solutions developed meet "real world" need.</p>	<p>regulatory bodies, as needed. This committee could identify and prioritize future research.⁴ This committee would provide direction to the industry in the development of outreach and communication materials. The committee should be small with balanced representation from consumers, researchers/hearing health professionals and industry and focused on solutions.⁵ Organizations and companies that have experience in the area and individuals with a proven track record are to be invited to sit on the committee. It is extremely critical that not only the wireless industry be represented but also the major manufacturers of hearing technologies.⁶</p>	<p>hearing aid and cochlear implant manufacturers and developers.</p>
<p>Initial studies suggest that directional antennas may provide some benefit but current rules prevent development of these products.</p>	<p>Review and modify Rule 24.232(b) to allow for the development of directional antennas that may address interference and benefit hearing aid users with and without telecoils.</p>	<p>Industry petitions the FCC to facilitate FCC's review and support of timely rule change. FCC reviews and modifies its rules.</p>

Help Consumers to Make Informed Choices

⁴ Consumers should have strong input into prioritization.

⁵ In an earlier ex parte presentation, Cingular Wireless and Siemens proposed a steering committee. Consumers have expressed concern that a steering committee may be politicized and slow regulation. It is our belief that a joint effort is needed to ensure that the "fixes" meet consumer needs and to monitor progress. By keeping the committee small and selective, focus can be maintained on solutions. In addition, we believe that communication and outreach are critical as these efforts will be more complex and require even more interaction than the implementation of TTY solutions.

⁶ The role of TTY manufacturers was critical to the success of the TTY Forum. Like the TTY Forum, support for participation by small companies and consumer organizations needs to be considered.

The following table provides a description of some key consumer issues that can best be addressed jointly by the wireless industry, the hearing industry, hearing health professionals and consumer organizations to enable consumers to use digital wireless technologies effectively and proposes actions the FCC can take to address these issues. Actions needed to be taken by the FDA or other agencies to encourage participation by the hearing technologies industry are not addressed in this document.

Issue	Desired Outcome	Proposed Action
Because of the variations in hearing aids and hearing loss, it is not always possible to tell if a product can be used outside a specific environment.	Companies should offer customers "try before you buy" opportunities and return policies that consider the individualized nature of hearing loss and the need to customize hearing technologies.	FCC should strongly advise service providers to adopt such policies as a good faith effort to address Section 255 requirements.
People with hearing loss do not know which products are most likely to work with their hearing aids. Technical information, once available, must be provided for consumers to make informed purchases.	The FCC should encourage joint efforts to communicate product information to consumers in stores, on Web sites and through consumer publications targeted at people with a hearing loss. Guidance from the technical oversight committee should be requested.	FCC review and implement recommendations based on results of assessment report and the technical oversight committee.
Anecdotal reports indicate that there may be handset settings that cannot be the ^{improve performance for hearing aid}	The impact of user settings should be quantified. If setting changes can	The FCC reviews and implements recommendations based on results of assessment report and the technical oversight committee.

⁷ Because of the individual nature of hearing loss, the many types of hearing technologies available and the customization of hearing aids, it will not be possible to assert that any handset will ever be able to be used by all individuals with a hearing loss. However, it may be possible to identify some handsets that may tend to be more usable by people with certain hearing aids or through customization of those aids.

<p>mass market may be problematic for hearing aid users. Backlighting, for example, appeals to the general population and may be necessary for some people with low vision. However, some people who use hearing aids have found it helpful to turn this feature off. If these and similar reports can be validated and actions clearly defined, consumers will need access to this information regarding handset operations.</p>	<p>users across the board, this information should be made available from the wireless industry, upon request. If modifications in settings only appear to work for some hearing aids, this information should be shared with hearing aid manufacturers and hearing health professionals and made available upon request. If hearing aid settings appear to improve access, then the Hearing Industry Association should notify its members and work with hearing health professionals.</p>	<p>If setting changes or other user actions, across handsets or technologies, can improve performance for hearing aid users across the board, the FCC should consider developing guidance material through the CGB.</p>
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The following tables provides a description of some key concerns of the wireless industry in implementing efforts to address hearing aid compatibility and proposes actions the FCC can take to address these issues. Actions needed to be taken by the FDA or other agencies to encourage participation by the hearing technologies industry are not addressed in this document.

Telecommunications Industry Concerns

Issue	Desired Outcome	Proposed Actions
Adopting wireless standards for hearing aid compatibility	Techincal standards should consider the unique nature of the digital wireless environment and resultant issues specifically addressing the digital wireless environment. ⁸ Addressing issues specific to digital wireless will result in products that are usable by people with a hearing loss.	FCC does not remove the FLAC exemption and works with industry/consumers to facilitate the development of technical standards for hearing aid compatibility will not only meet a technical requirement. Addressing issues specific to digital wireless will result in products that are usable by people with a hearing loss.
Products and services issue	Regulations should consider that manufacturers offer a range of products and services that will appeal to target markets.	FCC allows a waiver on a case-by-case basis. ¹⁰
Requirements for hearing aids	Access solutions should not fundamentally alter a product or negatively impact handset or network performance.	Regulations should consider that manufacturers offer a range of products and services that will appeal to target markets.
Consumers are adamantly opposed to this approach. They believe that removing the exemption would help industry focus on this issue. Industry is concerned that removing the exemption without known technical "fixes" sets up a "ready, fire, aim" approach that, in the long run, may be less effective. ⁹	As new approaches are developed, size may not be an issue. ¹⁰	This is consistent with Section 508 requirements.

⁸ Consumers are adamantly opposed to this approach. They believe that removing the exemption would help industry focus on this issue. Industry is concerned that removing the exemption without known technical "fixes" sets up a "ready, fire, aim" approach that, in the long run, may be less effective.
⁹ This is consistent with Section 508 requirements.
¹⁰ As new approaches are developed, size may not be an issue.

technology.		
Manufacturers must not be put in a position of appearing to favor one disability over another. The FCC should not appear to favor hearing disabilities over other disabilities.	Requirements to provide access should allow handset manufacturers the discretion to meet the needs of users with various disabilities. In the case where technologies conflict or there are limitations such as battery life or product size, it is essential that access for one disability will not automatically "trump" access for other disabilities.	Consistent with the intent of Section 255, when it is not readily achievable to include multiple access solutions, companies may determine through careful scrutiny how to maximize access across disabilities. The FCC grants waivers based on this documentation.
Historically, customer support and sales personnel have difficulty relaying complex information when that information is not requested regularly. Providing detailed information on hearing aid compatibility, at this time, requires specialized expertise.	Expectations regarding the ability of customer care and sales support personnel to transmit complex technical information must be taken into consideration as should low incidence communications, high employee turnover and educational levels of employees.	The technical oversight committee should develop recommendations for companies to consider for implementation, conduct pilot tests, and make recommendations to the FCC.